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17 UNITED STATES DISTRICT COURT  
18 FOR THE EASTERN DISTRICT OF CALIFORNIA

19 AMANDA RACHELLE  
20 METZGER

21 Plaintiff,

22 v.

23 COMMISSIONER OF SOCIAL  
24 SECURITY,

25 Defendant.

Case No. 2:24-cv-02639-CSK

STIPULATION AND [PROPOSED]  
ORDER FOR THE AWARD OF  
ATTORNEY FEES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT (EAJA)  
28 U.S.C. § 2412(d)

27 TO THE HONORABLE CHI SOO KIM, MAGISTRATE JUDGE OF THE  
28 UNITED STATES DISTRICT COURT:

1 The Parties through their undersigned counsel, subject to the Court's approval,  
2 stipulate that Plaintiff be awarded attorney fees in the amount of NINE THOUSAND,  
3 FIVE HUNDRED DOLLARS and 00/100 (\$9,500.00) under the Equal Access to Justice  
4 Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal  
5 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
6 accordance with 28 U.S.C. § 2412(d). Plaintiff attests her net worth did not exceed  
7 \$2,000,000.00 at the time of the filing of this civil action and does not at the present.  
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10 After the Court issues an order for EAJA fees to Plaintiff, the government will  
11 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue*  
12 *v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor  
13 the assignment will depend on whether the fees are subject to any offset allowed under  
14 the United States Department of the Treasury's Offset Program. After the order for EAJA  
15 fees is entered, the government will determine whether they are subject to any offset.  
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18 Fees shall be made payable to Plaintiff, but if the Department of the Treasury  
19 determines that Plaintiff does not owe a federal debt, then the government shall cause the  
20 payment of fees, expenses and costs to be made directly to counsel, pursuant to the  
21 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's  
22 counsel, Sherianne Laba, at 521 Cedar Way, Suite 200, Oakmont, Pennsylvania 15139.  
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25 This stipulation constitutes a compromise settlement of Plaintiff's request for  
26 EAJA fees and does not constitute an admission of liability on the part of Defendant  
27 under the EAJA. Payment of NINE THOUSAND, FIVE HUNDRED DOLLARS and  
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00/100 (\$9,500.00) in EAJA attorney fees shall constitute a complete release from, and bar to, any and all claims that Plaintiff and Plaintiff's attorney, Sherianne Laba, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Plaintiff's attorney to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: April 25, 2025

/s/ Sherianne Laba  
SHERIANNE LABA, ESQUIRE  
Attorney for Plaintiff

Dated: April 25, 2025

PHILLIP A. TALBERT  
Acting United States Attorney  
PETER K. THOMPSON  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

By: /s/ Michelle A. Pavelek\*  
MICHELLE A. PAVELEK  
Special Assistant U.S. Attorney  
Attorneys for Defendant  
(\*Permission to use electronic signature  
obtained via email on April 25, 2025).

**ORDER**

Based upon the parties' Stipulation for the Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), **IT IS SO ORDERED** that fees and expenses in the amount of \$9,500.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

Dated: April 28, 2025

  
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CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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